

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

TONY K. MCDONALD, JOSHUA B.
HAMMER, and MARK S. PULLIAM,

Plaintiffs,

v.

JOE K. LONGLEY, et al.,

Defendants.

Civil Action No. 1:19-cv-00219-LY

**STIPULATION AND PROPOSED ORDER REGARDING DEFENDANTS TO THE
ACTION**

WHEREAS, all Defendants in this action are sued only in their official capacities;

WHEREAS, on June 13, 2019, the terms of office of certain named Defendants, who were 2018-2019 members of the State Bar of Texas Board of Directors, expired;

WHEREAS, on June 13, 2019, certain individuals who are not named as Defendants to this action began their terms of office as 2019-2020 members of the State Bar of Texas Board of Directors;

WHEREAS, on June 13, 2019, Defendant Joe K. Longley ceased serving as the President of the State Bar of Texas, and was replaced by Randall O. Sorrels, the 2019-2020 President of the State Bar of Texas;

WHEREAS, all Defendants named in Plaintiffs' original complaint, which was filed on March 6, 2019, were members of the State Bar of Texas Board of Directors sued in their official capacities ("Bar Board Defendants");

WHEREAS, the Bar Board Defendants on May 13, 2019, filed a motion to dismiss Plaintiffs' original complaint in part based on an alleged lack of subject-matter jurisdiction;

WHEREAS, Plaintiffs on May 31, 2019, filed an opposition to the Bar Board Defendants' motion to dismiss in which Plaintiffs argued that this Court could grant full relief through the Defendants named in Plaintiffs' original complaint;

WHEREAS, in response to the Bar Board Defendants' motion to dismiss, Plaintiffs on May 31, 2019, also filed a First Amended Complaint that named additional Defendants;

WHEREAS, on June 4, 2019, this Court dismissed the Bar Board Defendants' motion to dismiss without prejudice in light of the filing of Plaintiffs' amended complaint;

WHEREAS, after reviewing Plaintiffs' opposition to their motion to dismiss, the Bar Board Defendants agree with Plaintiffs that adding defendants is unnecessary to ensure this Court's jurisdiction over Plaintiffs' claims in this action and to ensure that the Court can provide full relief on all claims raised in the complaint if Plaintiffs prevail;

WHEREAS, the Bar Board Defendants and Plaintiffs agree that the addition of the new Defendants named in Plaintiffs' amended complaint would unnecessarily complicate this litigation and likely delay its resolution;

IT IS HEREBY STIPULATED AND AGREED, by Plaintiffs and the Bar Board Defendants, subject to the approval of the Court, that there is a change in parties to this action as follows:

1. All claims against the following Defendants named in Plaintiffs' First Amended Complaint shall be dismissed without prejudice: Seana Willing, in her official capacity as Chief Disciplinary Counsel of the State Bar of Texas; and Pablo Javier Almaguer, Noelle M. Reed, John Neal, Bruce Ashworth, Gena Bunn, Magali Suarez Candler, Teresa Acosta, Dave Obergfell, William Skrobarczyk, Vance Goss, Javier S. Vera, and Sheri Roach Brosier, in their official capacities as Members of the Commission for Lawyer Discipline

of the State Bar of Texas. The Bar Board Defendants agree with Plaintiffs that the addition of these Defendants is unnecessary to ensure this Court's jurisdiction over Plaintiffs' claims in this action.

2. The following Defendants, who were 2018-2019 members of the State Bar of Texas Board of Directors, and whose terms of office expired on June 13, 2019, are no longer Defendants to this action: G. Thomas Vick, Jr.; Jeff Chandler; Christy Amuny; Estrella Escobar; Sarah Clower Keathley; Angelica Hernandez; Rudolph K. Metayer; Christopher Oddo; Curtis Pritchard; Baili B. Rhodes; Lisa S. Richardson; Fidel Rodriguez, Jr.; Gregory W. Sampson; and Bradley C. Weber.
3. Pursuant to Federal Rule of Civil Procedure 25, the following individuals, who are 2019-2020 members of the State Bar of Texas Board of Directors, and whose terms of office began on June 13, 2019, are substituted as Defendants sued only in their official capacities in this action: Larry P. McDougal; Britney E. Harrison; Andrés E. Almanzán; Kate Bihm; Rebekah Steely Brooker; Luis M. Cardenas; Christina Davis; Michael K. Hurst; Yolanda Cortes Mares; Adam T. Schramek; David K. Sergi; Jason Smith; Diane St. Yves; Santos Vargas; and G. Michael Vasquez. These Defendants are represented by the counsel for the Bar Board Defendants listed below, and they join in and adopt all filings in this matter by the Bar Board Defendants' counsel, including Defendants' Opposition to Plaintiffs' Motion for Partial Summary Judgment on Liability (ECF No. 33), Defendants' Cross-Motion for Summary Judgment (ECF No. 35), and Defendants' Reply in Support of Cross-Motion for Summary Judgment (ECF No. 75).
4. Defendant Joe K. Longley is replaced as the lead Defendant in this action by Defendant Randall O. Sorrels, the 2019-2020 President of the State Bar of Texas. As the Immediate

Past President of the State Bar of Texas, Defendant Joe K. Longley succeeds Defendant G. Thomas Vick, Jr. Larry P. McDougal succeeds Defendant Randall O. Sorrels as the President-Elect of the State Bar of Texas.

The Clerk's Office shall update the docket in this case to reflect these changes.

It is so ORDERED.

SIGNED this _____ day of _____, 2019.

Lee Yeakel
United States District Judge

STIPULATED TO AND APPROVED BY:

Dated: July 15, 2019

/s/ Jeffrey M. Harris (by permission)

Jeffrey M. Harris

*Counsel for Plaintiffs Tony K. McDonald,
Joshua B. Hammer, and Mark S. Pulliam*

/s/ Thomas S. Leatherbury

Thomas S. Leatherbury

Counsel for Bar Board Defendants

William S. Consovoy
Jeffrey M. Harris
Cameron T. Norris
CONSOVOY MCCARTHY PLLC
3033 Wilson Boulevard, Suite 700
Arlington, VA 22201
(703) 243-9423
cam@consovoymccarthy.com

*Counsel for Plaintiffs Tony K. McDonald,
Joshua B. Hammer, and Mark S. Pulliam*

Thomas S. Leatherbury
State Bar No. 12095275
VINSON & ELKINS LLP
2001 Ross Avenue
Suite 3700
Dallas, TX 75201
Tel: (214) 220-7792
Fax: (214) 999-7792
tleatherbury@velaw.com

Patrick W. Mizell
State Bar No. 14233980
Deborah C. Milner
State Bar No. 24065761
VINSON & ELKINS LLP
1001 Fannin Street
Suite 2500
Houston, TX 77002
Tel: (713) 758-2932
Fax: (713) 615-5912
pmizell@velaw.com
cmilner@velaw.com

Joshua S. Johnson (admitted *pro hac vice*)
State Bar No. 24070002
Morgan A. Kelley (admitted *pro hac vice*)
State Bar No. 1617261
VINSON & ELKINS LLP
2200 Pennsylvania Avenue NW
Suite 500 West
Washington, DC 20037
Tel: (202) 639-6623
Fax: (202) 879-8934
joshjohnson@velaw.com
mkelley@velaw.com

Counsel for Bar Board Defendants

CERTIFICATE OF SERVICE

I certify that on July 15, 2019, I electronically filed the foregoing stipulation and proposed order with the Clerk of the Court for the U.S. District Court for the Western District of Texas by using the Court's CM/ECF system, which will send notification of such filing to the following:

William S. Consovoy
Jeffrey M. Harris
Cameron T. Norris
Consovoy McCarthy Park PLLC
3033 Wilson Blvd., Suite 700
Arlington, VA 22201
Tel: (703) 243-9423
Fax: (703) 243-9423
will@consovoymccarthy.com
*Counsel for Plaintiffs Tony K. McDonald,
Joshua B. Hammer, and Mark S. Pulliam*

Cynthia A. Morales
Office of the Attorney General
P.O. Box 12548, Mail Code 009
Austin, TX 78711
Tel: (512) 936-1414
cynthia.morales@oag.texas.gov
*Counsel for Amicus Curiae Texas Attorney
General Ken Paxton*

Matthew R. Miller
Goldwater Institute
500 E. Coronado Rd.
Phoenix, AZ 85004-1543
Tel: (602) 462-500
litigation@goldwaterinstitute.org
*Counsel for Amicus Curiae Goldwater
Institute*

Jason M. Panzer
Lauren B. Ross
Herring & Panzer, LLP
1411 West Avenue, Suite 100
Austin, TX 78701
Tel: (512) 320-0665
Fax: (512) 519-7580
jason@herringpanzer.com
*Counsel for Amicus Curiae Texas Legal
Ethics Counsel*

Charles "Chad" Baruch
Randy Johnston
Johnston Tobey Baruch, P.C.
P.O. Box 215
Addison, TX 75001
Tel: (214) 741-6260
Fax: (214) 741-6248
chad@jtlaw.com
*Counsel for Amici Curiae Former Presidents
of the State Bar of Texas et al.*

Macey Reasoner Stokes
J. Mark Little
910 Louisiana Street
Houston, TX 77002
Tel: (713) 229-1369
Fax: (713) 229-7869
macey.stokes@bakerbotts.com
*Counsel for Amicus Curiae Texas Access to
Justice Commission*

Dated: July 15, 2019

/s/ Thomas S. Leatherbury
Thomas S. Leatherbury
Counsel for Bar Board Defendants